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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA)	CASE NO. CR 12-0628 RS
)	
v.)	[PROPOSED] ORDER EXCLUDING TIME FROM
)	OTHERWISE APPLICABLE SPEEDY TRIAL ACT
CURTIS LEE JOHNSON, JR.,)	CALCULATION
)	
Defendant.)	
)	
)	
)	

[PROPOSED] ORDER

Following the filing of the Court's written order denying defendant's motion to suppress evidence, and pursuant to the direction of the Court in that written order, the parties appeared before the Court on December 10, 2013. Blair Greenberg appeared specially on behalf of Michael Gaines for the defendant. Assistant U.S. Attorney Andrew M. Scoble appeared on behalf of the government. AUSA Scoble reported that the United States has recently provided supplemental discovery, some of which is currently lodged with Colour Drop so that the defense can make arrangements for its copying, if desired. Counsel also represented that the parties have discussed a possible plea resolution but that there remains an unresolved legal issue regarding the effect of one of the defendant's prior convictions on his guidelines calculations. The parties therefore requested a continuance of the case to January 14, 2014 to

1 allow them to further research the legal issue and to determine whether they can reach a plea resolution
2 of the case. The parties agreed in open court that the period from December 10, 2013 through and
3 including January 14, 2014 may be excluded from the otherwise applicable Speedy Trial Act
4 computation because failure to grant the continuance as requested would deny counsel for the defendant,
5 as well as counsel for the government, the reasonable time necessary for effective preparation, taking
6 into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

7 Based upon the representations of the parties, and for good cause appearing, THE COURT
8 FINDS THAT the ends of justice served by granting a continuance from December 10, 2013 through
9 and including January 14, 2014 outweigh the best interests of the public and the defendant in a speedy
10 trial, and that failure to grant such a continuance would deny counsel for the defendant as well as
11 counsel for the government the reasonable time necessary for effective preparation, taking into account
12 the exercise of due diligence.

13 Accordingly, THE COURT ORDERS THAT:

- 14 1. This case is continued to 2:30 p.m. on January 14, 2014 for change of plea or trial setting.
- 15 2. The period from December 10, 2013 through and including January 14, 2014 is excluded
16 from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) &
17 (B)(iv).

18 IT IS SO ORDERED.

19
20 DATED: 12/11/13


HON. RICHARD SEEBORG
United States District Judge